

Minutes
Environmental Justice (EJ) Stakeholders Meeting

Monday, March 18, 2002
6:00 to 9:00 p.m.

Garden Grove Community Center, Room B
Garden Grove, California, 92842

Attended by:

1 Bailey, Diane (NRDC)	20 Prasad, Shankar (ARB)
2 Cabrales, Luis (CLCVEF)	21 Purcell, Arthur (Chambers)
3 Coughlin, Rose (LFR Levine Friche)	22 Rhinehart, Larry (SCAQMD)
4 Dodge, Daryn (OEHHA)	23 Rietzer, Ryan (BP)
5 Fazeli, Bahram (CBE)	24 Rodriguez, Sonia (Mercado Apts.)
6 Fletcher, Bob (ARB)	25 Rowland, Scott (ARB)
7 Forbis, Paula (EHC)	26 Schaufelberger, Christine (BAAQMD)
8 Grow, Richard (USEPA)	27 Shimp, Dale (ARB)
9 Hall, Malinda (Cal/EPA)	28 Takemoto, Brent (ARB)
10 Ho, Linh (Lou Correa)	29 Terry, Lynn (ARB)
11 Hughan, Roberta (ARB)	30 Tschogl, Kathleen (ARB)
12 Krebs, Patti (IEA)	31 Tuck, Cindy (CCEEB)
13 Lee, Barbara (NSCAPCD)	32 Van Ommering, Lucille (ARB)
14 Lyou, Joe (CLCVEF)	33 Wallerstein, Barry (SCAQMD)
15 Marsee, Sheila (ARB)	34 Walsh, Kathleen (ARB)
16 Martinez, Michael (EHC)	35 Wang, Mike (WSPA)
17 McKinnon, Matt (ARB)	36 Waugh, Mike (ARB)
18 Pascual, Romel (Cal/EPA)	37 Williams, Jane (CCAT)
19 Porche, Natalia (SCAQMD)	38 Wyman, Sue (ARB)

The meeting convened at 6:10 p.m. Air Resources Board Member and Chairman of the EJ Stakeholders Group, Matt McKinnon, welcomed the attendees to the first meeting of 2002. Mr. McKinnon mentioned that he shares the Governor's and Chairman's concerns about EJ, and after going on the CBE toxic tour and visiting Barrio Logan, recognizes that there is a lot to be done. He thanked the EJ Stakeholders Group (previously the NAP Stakeholders Group) for the work they've done and for agreeing to continue on in 2002. He stated that the group would go over the progress made to date and then the meeting would be opened to hear local concerns. The next quarterly Stakeholders meeting would be held on Tuesday, June 4, 2002, in the San Francisco Bay Area.

Mike Waugh presented the status of efforts to initiate selected elements of the Board's EJ Policies and Actions. The Board's EJ policies were adopted in December 2001, and identified specific actions that would be undertaken to implement the seven policies. Mike briefly reviewed the policies, and noted that initial efforts would focus on incorporating EJ into ARB activities, preparing updates, and developing a work plan. Emphasis would also be placed on

expanding outreach, reducing risks to public health, and conducting research on micro-scale effects. Specific mention was made of the following:

- Draft work plan – is currently under review, and will be available soon. The specific action items affect a broad spectrum of ARB programs, and various work products were identified for development.
- Incorporating EJ into ARB's programs:
 - Created the EJ section (formerly the Community Health section);
 - Two training sessions for ARB have been held on EJ fundamentals;
 - Guidelines for including EJ into ARB reports are being developed;
 - Initiated efforts to establish an 800 number for communities to call about EJ issues;
 - Designated a contact person in the Chair's Office; and
 - Working with Cal/EPA and OPR on statewide EJ issues.
- Public Participation Handbook– will be presented to the Board in Q3 of 2002.
- Complaint Resolution Protocol – preliminary contact with CAPCOA has been made, and is scheduled to go to the Board in December 2002.
- Land-use Informational Handbook – have made contact with selected city governments and have begun discussions with CAPCOA. Other groups will be contacted for input over the course of the year. A presentation to the Board is scheduled for the Q1 of 2003.
- Cumulative Impacts Analysis Guidance – internal discussions are to begin in the near future.

In closing, Mr. Waugh mentioned that work continues on a wide range of measures to reduce public health risk (e.g., diesel RRP, incentive programs, rule-makings on truck retrofits, transportation refrigeration units, and stationary engines > 50 hp). In terms of understanding local impacts, data are being collected at the NAP sites at Barrio Logan and Wilmington. Inquiries in Spanish are being directed to ARB's Planning & Technical Support Division.

Following the ARB staff presentation, an open discussion amongst the stakeholders occurred on the following items:

Complaint Resolution Protocol/Public Participation Manual: ARB staff noted that they intended to include the complaint resolution protocol within the public participation handbook for general distribution. The participants felt a need to move quickly on developing the handbook, as there are lots of issues to deal with, and it will take time to incorporate all the input from various stakeholders.

From a government agency standpoint, the responsibilities of state and local authorities, with regard to complaint resolution, are not well defined. Without question, both entities should be involved, and air districts and ARB need to work cooperatively to establish a protocol that addresses people's concerns. Air districts are on the frontline in terms of handling air quality complaints, and ARB has a role in providing technical support and assistance. As the work begins to flesh out the mechanics of the complaint resolution process, consideration must be given to what entities will be involved, who should provide input, what is "wrong" with the present system, and what should be the goal of the process. Ultimately, something in print needs to be developed; as a starting point, it was noted that ARB recently prepared a two-page write-up on how calls received on its complaint line are handled. To date, the write-up has only been discussed internally, and describes what steps are taken by ARB – it needs to explain how outside input will be processed and combined with information on what is done by the air districts.

While complaints are presumably filed in all air districts, the extent of the problem varies, especially between urban and rural districts. Air district stakeholders expressed a commitment to develop a protocol, and the group recognized the need to solicit community input. It is important to get input from people who have filed complaints, to learn what was done in response to their complaint, how well they were kept informed, and if they were satisfied with what was done (e.g., residents of Southgate). Stakeholders from environmental groups expressed an interest in participating in discussions concerning the complaint resolution protocol, and agreed to consolidate their suggestions in a letter. Of prime concern are the criteria used for issuing a Notice of Violation, what action is taken with respect to repeat violators, and how much follow-up occurs in low-income and minority communities. Several stakeholders stressed the importance of field-testing the handbook to see how useful it is for communities.

To get an idea of how many complaints are filed, air district stakeholders were asked how many complaints they receive and how they are presently being addressed. At the SCAQMD, six full-time operators log complaint calls, seven days a week. After a call is logged, an inspector is dispatched to investigate the complaint (Note: there are staff assigned to investigate complaints received after normal business hours). The SCAQMD has 100-inspectors, who can issue a Notice of Violation, if warranted, but due to the large area they must cover, they can't always observe the problem when it occurs. In some cases, the SCAQMD has set-up air monitors, made periodic revisits, and talked to residents about specific issues of concern. The BAAQMD noted that they might get a few hundred complaints a month, and have a protocol, written in cooperation with ARB, on how complaints are to be addressed. The process begins with sending letters to both ARB and the complainant. In an effort to protect everyone from the harmful effects of air pollution equally, air districts have examined their records and have not found clear evidence of disparities in the number of

inspections and citations issued in low-income and minority communities vs. others. Districts are interested in resolving complaints, and ask for patience from communities insofar as developing the evidence needed to document any wrong doing.

In comparison to the districts, very few complaints are filed directly with ARB (e.g., about five per month). The ARB has a complaint line (English and Spanish), and complaints are received/recorded seven days a week. The complaint line is checked daily, and appropriate action is taken (e.g., letters are sent to truckers on smoke limits). Relative to stationary source complaints, the appropriate air district is contacted, and they are asked to send an update within 10-days, after which a response is sent to the complainant.

Stakeholders from environmental and community groups expressed concern over the way complaints are presently being handled at the local-level (e.g., La Montaña, odor problems in Southgate, and an auto body shop in Pico Rivera). One stakeholder stated that many communities have no confidence in getting a response from their air district after filing a complaint or being informed about local air quality risks. This may in part be due to perceptions that double standards exist for low-income and minority communities (e.g., took several decades for action to be taken in Barrio Logan vs. dealing with a barbecue restaurant in an affluent neighborhood). It was further suggested that when projects are proposed for siting in a community, procedures on how to file an appeal should be provided to all affected residents (i.e., an on-going practice by DTSC) or at least, information on whom to call about filing an appeal. In this regard, most communities don't know about the ARB, much less what they can do if they get no response from their air district. Information on what-to-do and who-to-call needs to be included in the public participation handbook.

In wrapping up the discussion on this issue, it was noted that resolving community complaints begins with engaging community participation, as many communities don't know how to get involved. Developing the protocol would be a "contemplative process" that will require people with different perspectives to work together. For the next meeting, Mr. McKinnon asked the stakeholders to be prepared to discuss specific examples about what needs to be done, types of problems, suggestions as to what help communities need, and what the time frame for resolving complaints should be. In addition, a number of other issues were raised for discussion:

- Will the process also include aspects of enforcement and follow-through?
- What can be done about prioritizing sources in compliance (in highly impacted areas)?
- Is the abatement process an option for consideration?
- What information is truly "CBI" (Confidential business information)?
- Can anything be done about persistent nuisances?

- Can signs be placed on facilities about whom to call about air quality problems created by the facility?
- Have community satisfaction surveys been conducted?

Old business: A stakeholder noted a problem with the minutes from the NAP Stakeholders meeting held on October 29, 2001. An email would be sent following the meeting with an explanation of what was not correctly recorded.

Work plan: Questions about the work plan were largely concerned with its format, when it would be available for review, and the review process. In terms of format, various participants suggested that the lists of the action items be presented in way that readers would have an easy time following which ones were in progress vs. ones that had not been initiated or ones that had been completed. The action item timeline could be segmented into calendar quarters, whereby the milestones and priorities for each three month period would be highlighted. It was suggested that the nexus between the EJ action item and efforts in other ARB programs be specified, and updated, as appropriate, in consideration of ARB's budget for the EJ program.

As it was important to start getting comments on the work plan from the Stakeholders Group, Mr. McKinnon suggested that the work plan be available for review in a couple of weeks for discussion at the next stakeholders meeting on June 4, 2002. (Note: it was decided to hold a meeting in six weeks, rather than on June 4th, to discuss the work plan and preliminary draft of the Complaint Resolution/Public Participation Handbook. Both documents would be provided to the Stakeholders in advance of the meeting so that they could prepare their comments ahead of time). An open meeting would be held to discuss both items, as Mr. McKinnon wanted input from community groups to ensure that the two products would meet people's needs. No specific deadlines were set for the comment period on the work plan or complaint resolution protocol.

Language Issues: Recognizing that English may not be the primary language in many urban communities, questions were raised as to how accessible were the air districts and ARB to communities that spoke English as a second language. For example, how many air districts have Spanish-speaking staff? While it is likely that the large districts will have bilingual staff, their availability would be low in most small districts. In San Diego County, efforts are underway to establish a 24-hour hotline for complaints in both English and Spanish. The same questions were asked with regard to written materials, which only tend to be translated into other languages on an as-needed basis.

Depending on the size of the air district, resources for bilingual services may not be available, but oftentimes complaints or other issues can be directed

to the County instead, which may have bilingual staff. (Is this of great enough concern to consider offering incentives for staff with bilingual skills?) While Spanish is our current focus, it was noted that over 70-languages are spoken in both Garden Grove as well as in Oak Park, San Diego. A survey is needed to find out what languages are spoken across the state, and how available are translation services in those languages. With respect to the latter, contacts could be made with the Department of General Services (they certify translators), school districts (since they are required to have staff that can speak languages other than English), or the Department of Social Services (which ARB has interacted with). As a matter of protocol, it may be useful to seek out leaders within a community early on, and solicit their input concerning the number of languages spoken in their community.

Outreach: Given the low-level of local participation, there was some discussion about the efforts made to enlist community participation. Clearly, outreach is an issue, and ARB needs to find ways to reach out to individuals and groups who might have comments to share. As an example, it was mentioned that on a toxic tour, that included a visit to Wilmington Elementary School, the children in the schoolyard mentioned that noxious odors typically originated on the opposite side of the schoolyard from where the air monitoring station had been sited. In such cases, decisions based solely on technical considerations may inadvertently ignore anecdotal information that could facilitate the data gathering effort.

In asking the group for suggestions on how to improve ARB's outreach efforts, several stakeholders suggested that contact be made with community centers and places of worship, as well as libraries and schools. While web pages allow for reaching a large audience, in low-income and minority communities, consideration could be given to billboards and possibly a toll-free number to call to ask a question or file a complaint. For adults with limited English language skills, picture books, such as ARB's compliance assistance comic books, have been useful in reaching out to cultures that rely primarily on oral vs. written communication.

Land-use: The relationship between cumulative impacts and land-use planning was mentioned a few times during the open discussion. As authority over land-use decisions resides with local government, poor decisions have contributed to existing problems in some cases. For example, it was a local decision that led to the formation of La Montaña. As it was a decision made by city government, there was little that could be done by SCAQMD to reverse the decision. Given that air districts are not the lead agency on decisions of this kind, what needs to be done to inform land-use planners about the air quality-related impacts stemming from decisions of this kind? Does ARB have a role in providing technical support to air districts and local governments on how to use air quality data in land-use decision-making?

Permits: The issue of whether air districts have the discretion to deny permits to applicants who meet established criteria and standards was discussed. Some stakeholders indicated that air districts couldn't deny permits, while others argued that there is great latitude in what ARB and the air districts can do regarding the issuance of permits. Presently, permits are not denied in the context of existing air quality (e.g., SCAQMD issues between 14-15,000 permits a year), which raises questions as to whether an air district's authority should be expanded with regard to permitting. Community complaints need to be taken more seriously, and considered along with the technical information and operating requirements for individual facilities. In response, it was noted that public health protection is a serious concern for air districts, and community groups should not automatically escalate their complaints to state-level authorities, such as ARB. A cooperative effort must first be made locally to resolve issues of concern, and community groups must realize that there are limits to what districts can do. Air districts often don't have answers to all questions raised by the community and shouldn't be penalized in spite of making honest efforts that don't meet their needs entirely.

Barrio Logan: Early in the meeting, Mr. McKinnon mentioned that he had visited Barrio Logan with ARB staff to see the monitoring effort being conducted to measure hexavalent chromium (Cr^{6+}) levels in the neighborhood surrounding the two plating facilities. The extensive monitoring effort has generated useful information on the temporal and spatial distribution of ambient Cr^{6+} levels, and community members expressed their appreciation for ARB's efforts, noting that it was the kind of support they had been looking for since their concerns were initially raised.

Early in the open discussion, it was decided to hold another meeting in about six weeks to discuss the work plan and the complaint resolution protocol. The format of the meeting would be the same as the present one, an open meeting, where members of the public would have an opportunity to speak and could give examples of their experiences in filing air quality-related complaints. An effort would be made to hold the meeting near Barrio Logan; a decision on the date and location of the meeting would be made by the end of the week.

The meeting adjourned at 8:45 p.m.